

Patent Application Serial No. unassigned
Attorney Docket No. CB 03-1
Preliminary Amendment

In the Claims: Please make the following changes:

Claims 1-15. Cancelled. They were allowed in the parent case.

Claim 16 (new) A container blank comprising a substrate having a barrier material on one side of said substrate wherein said substrate is dimensioned and shaped to be folded into a closed container with at least one or more fin seal areas and further comprising a partially weakened region on said substrate formed on a side opposite said barrier material said weakened region being dimensioned to align with a fitment.

Claim 17 (new) A container formed from the blank of claim 1 wherein said container blank is folded into the shape of a container, at least two perimeters are fin sealed to each other and a fitment is secured to an outside surface of said container and aligned with said weakened region.

Claim 18 (new) The container of claim 17 wherein said fitment comprises a frame and a moveable lid secured to said frame.

Claim 19 (new) The fitment of claim 18 wherein said fitment further comprises a first locking means for securing said lid to said frame in a closed position.

Claim 20 (new) The fitment of claim 18 wherein said fitment further comprise a second locking means for retaining said lid in an open position relative to said frame.

Claim 21 (new) The container of claim 17 wherein said container has a skived side seamed region.

Claim 22 (new) The container of claim 18 wherein said lid is hingedly connected to said frame.

Claim 23 (new) The container of claim 19 wherein said first locking means of said fitment is comprised of a first tab element located on said frame and in alignment with a first slot element located on said lid.

Claim 24 (new) The container of claim 20 wherein said second locking means is a second tab element located on said frame and aligned with a said lid so that said lid is retained in an open position when a surface of the lid extends behind said second tab.

Claim 25 (new) The container of claim 24 wherein said lid further comprises a second slot aligned with said second tab element.

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Claim 26 (new) The fitment of claim 17 wherein the frame and lid are molded from plastic.

Claim 27 (new) The fitment of claim 17 wherein said frame perimeter and said lid perimeters are beveled so that at least some portion of said lid extends beyond the perimeter of said frame to form a close fit between said lid and said frame.

Claim 28 (new) The container of claim 17 wherein said weakened region is formed at a top corner of said container.

Claim 29 (new) The container of claim 17 wherein said container is opened by moving said lid to an opened position and removing at least some portion of the container in the general vicinity of the weakened substrate region.

Claim 30 (new) The container of claim 29 wherein said substrate weakened region is in the vicinity of the skived side seamed.

Claim 31 (new). The container blank of claim 16 wherein the barrier material is selected from the group consisting of metallized polyester, metallized polypropylene, metallized oriented polypropylene, metallized biaxially oriented polypropylene, PVDC-coated polypropylene, ethylene vinyl alcohol, nylon, aluminum foil and combinations thereof.

Claim 32 (new) The container blank of claim 16 wherein said container substrate is selected from the group consisting of solid bleached sulfate (SBS) paperboard, clay-coated newsback (CCNB), coated solid unbleached sulfate (SUS), multi-ply folding box board, kraft paperboard, polymeric materials and any combination thereof.